

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

ERIC JACKSON, ALARIC STONE, and )  
MICHAEL MARCENELLE, on behalf of )  
themselves and all others similarly situated, )  
Plaintiffs, )  
v. )  
ALEJANDRO N. MAYORKAS, in his official )  
capacity as Secretary of Homeland Security, )  
LLOYD J. AUSTIN, III, in his )  
official capacity as Secretary of Defense, )  
LINDA L. FAGAN, in her official )  
capacity as Commandant of the Coast Guard, and )  
BRIAN K. PENOYER, in his official capacity )  
as Assistant Commandant for Human )  
Resources of the Coast Guard, )  
Defendants. )

Case No. 4:22-cv-00825-P

## **NOTICE OF ADDITIONAL AUTHORITY**

Plaintiffs hereby give notice of a decision issued yesterday by the Sixth Circuit Court of Appeals that is directly relevant to this case and the pending motions for class-wide relief: *Doster v. Kendall*, Nos. 22-3497/3702 (6th Cir. Nov. 29, 2022) (attached hereto). The Sixth Circuit affirmed a district court’s orders preliminarily enjoining enforcement of the Air Force’s COVID-19 vaccine mandate, which is identical to the mandate at issue in this case. The Sixth Circuit decision is on point and supports Plaintiffs’ position in this case on numerous issues including justiciability, exhaustion, and ripeness (*Id.* at 10-22), strict scrutiny (*Id.* at 22-25), the military’s lack of compelling interest (*Id.* at 25-30), the military’s failure to satisfy the least restrictive means test (*Id.* at 30-32), the military’s groundless claim to deference under RFRA (*Id.* at 24, 32-33), irreparable harm and public interest (*Id.* at 34-35, 55-56), commonality and typicality under Rule 23(a) (*Id.* at 38-50), and certification under Rule 23(b) (*Id.* at 50-53).

Dated: November 30, 2022

Respectfully submitted,

/s/ Adam S. Hochschild

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